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c Pr4 Town of Oakville Act, 1991 (No. 1)

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CHAPTER Pr4

An Act respecting the Town of Oakville

Assented to June 13th, 1991

Preamble

The Corporation of the Town of Oakville, referred to in this Act as the Corporation, has applied for special legislation in respect of the matters set out in this Act.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-laws respecting dumping of fill

1. The council of the Corporation may pass by-laws,

- (a) prohibiting or regulating the placing or dumping of fill of any kind on any land located in the Town of Oakville, other than land which is subject to regulations made under clause 28 (1) (f) of the *Conservation Authorities Act*;
- (b) requiring that a permit be obtained for the placing or dumping of fill on the land described in clause (a) and prescribing a fee for the issuance of the permit;
- (c) prescribing conditions of any permit issued pursuant to a by-law passed under this section under which the placing or dumping of fill may be carried out; and
- (d) requiring that fill dumped or placed contrary to a by-law passed or the conditions of a permit issued under this section be removed.

When by-law ceases to have effect

2. Where a regulation is in existence or is made under clause 28 (1) (f) of the *Conservation Authorities Act* respecting the placing or dumping of fill on any watershed land located in the Town of Oakville, a by-law passed under section 1 ceases to have effect on that land upon the coming into force of the regulation.

By-law not applicable

3. A by-law passed under section 1 does not apply to,

- (a) the use, operation, establishment, alteration, enlargement or extension of a waste management system or waste disposal site within the meaning of Part V of the *Environmental Protection Act*;

(b) a waste, waste disposal site or waste management system that is exempted by regulation from Part V of the *Environmental Protection Act*;

(c) the dumping of fill necessary to assist in the construction, extension, alteration, maintenance or operation of works under section 26 of the *Public Transportation and Highway Improvement Act*;

(d) emergency measures taken by the Corporation or The Regional Municipality of Halton to prevent erosion, slipping of soil or damage to trees; or

(e) the activities of the Corporation, a Ministry of the provincial government, the Regional Council of The Regional Municipality of Halton or the Halton Region Conservation Authority related to the establishment or maintenance of utilities and services, roads, bridges, flood and erosion control facilities, walkways, bicycle paths, fences, retaining walls, steps and lighting.

4. If there is a conflict between a by-law passed under section 1 and a by-law passed by the Regional Council of The Regional Municipality of Halton under paragraph 129 of section 210 of the *Municipal Act*, the by-law of The Regional Municipality of Halton prevails.

Conflicting by-laws

5.—(1) Where,

Appeal

(a) the Corporation refuses or neglects to issue a permit under clause 1 (b) within forty-five days after the application is received by the clerk of the Corporation; or

(b) an owner of land on which fill is proposed to be placed or dumped objects to a condition in the permit,

an appeal may be made to the Ontario Municipal Board within 180 days from the expiration of the forty-five-day period or the issuance of the permit, as the case may be, and the decision of the Board is final.

Restriction

(2) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision of the Board under subsection (1).

6. This Act comes into force on the day it receives Royal Assent. Commence-
ment

7. The short title of this Act is the *Town of Oakville Act, 1991*. Short title